

Serial No. 09/753,345

- 6 -

Art Unit: 2697

REMARKS

Claims 1-4, 6-12 and 15-19 are pending in this application. All pending claims were rejected. Claims 1, 9 and 17 are currently amended. Reconsideration is requested.

In response to the arguments presented previously that the claims distinguish the cited combinations of references because the term "push" implies that the alert is transmitted to the wireless device in the absence of a corresponding request from the wireless device, the Office indicated that the meaning of the term "push" should be recited in the claims. Although Applicant still believes that the meaning of the term "push" is well understood in the field of wireless communications, claims 1, 9 and 17 have been amended in accordance with the statement in the office action. In particular, each of claims 1, 9, and 17 now recite "whereby the alert is transmitted to the wireless device in the absence of a corresponding request from the wireless device." Support for the amendments is in the specification at page 9, lines 12-23. Withdrawal of the rejections of claims 1, 9 and 17, and associated dependent claims 2-4, 6-8, 10-12, 15, 16, 18 and 19 is respectfully requested.

Following the response to Applicant's arguments the office action maintains the reasons for rejection recited in the previous office action, portions of which are paraphrased or repeated verbatim. In view of the amendments to the claims, Applicant again states that the crux of the rejection of claims 1 and 9 pursuant to 35 USC §103 over Bobo in view of Gustafsson is that Gustafsson teaches pushing a wireless alert at Figs. 3-5, col. 13, lines 32-41, 65, 66; and col. 14, lines 1-6. However, the term "push" in this application implies that the alert is transmitted to the wireless device in the absence of a corresponding request from the wireless device, as specifically recited in the claims as amended. As described in the specification at page 9, lines 19-22, a pushed alert "is triggered by a change in the total number of messages," and "can be triggered

AMN120.058(4)

Serial No. 09/753,345

- 7 -

Art Unit: 2697

under user configurable circumstances (e.g. a predetermined period of time) and/or a change in the status of a wireless device.” In contrast, Gustafsson teaches in Fig. 5 and the accompanying text sections already cited by the Office that information delivery is initiated by a request message (502) from the wireless device (500). Claims 1 and 9 therefore distinguish the cited combination because the claimed invention does not employ a request message to prompt transmission of an alert. In particular, claim 1 recites “pushing the alert to a wireless device” and claim 9 recites “means for pushing the alert to a wireless device.” Consequently, Applicant requests that the rejections of claims 1 and 9 be withdrawn.

Claims 2-4, 6-8, 10-12, and 15-16 are dependent claims which further distinguish their respective base claims. These claims are allowable for at least the reasons set forth above with regard to those base claims and Applicant therefore requests that the rejections of these claims be withdrawn.

The Office rejected claim 17 under 35 USC §103 over Bobo in view of Matthews and further in view of Gustafsson. However, there is no specific reliance on Gustafsson in the reasons for rejection. As previously stated by Applicant, claim 17 distinguishes the cited combination by reciting “pushing the alert using a Wireless Access Protocol (WAP) push protocol.” Claim 17 has been amended to emphasize the significance of pushing the alert, and is therefore allowable for that reason and also for the reasons stated above with regard to claims 1 and 9. Applicant requests that the Examiner withdraw the rejection of claim 17.

Claims 18-19 are dependent claims which further distinguish claim 17. These claims are allowable for at least the reasons set forth above with regard to claim 17 and Applicant therefore requests that the rejections of claims 18-19 be withdrawn.

AMN120.058(4)

Serial No. 09/753,345

- 8 -

Art Unit: 2697

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 (X305) so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

November 10, 2004
Date

Holmes W. Anderson
Holmes W. Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(978) 264-6664

Docket No. 061473/0269982 120-058
dd: 11/11/2004

AMN120.058(4)